

# CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: November 3, 2011 FILE REF: Stewardship Application

TO: Daniel Kaemmerer, SER Financial Assistance Specialist

FROM: Kyle Drake, SER Recreation Safety Warden

SUBJECT: Stewardship Grant Application NBOA Review –City Beach Park, City of Oconomowoc, Waukesha County

I have completed my review of the "Public Access and Acceptable Uses" document as part of the Knowles-Nelson Stewardship Grant application submitted by the City of Oconomowoc for proposed acquisition of .302 acres of land adjacent to City Beach Park, City of Oconomowoc. Following are my comments and recommendations regarding the Nature-Based Outdoor Activities (NBOA) which would be prohibited for public safety reasons on this property.

Hunting – The proposed acquisition is .302 acres and is located within the boundaries of the City of Oconomowoc. This property would be an expansion of the existing City Beach Park. The proposed purchase is a narrow strip of land adjacent to Lac La Belle. The area is located in downtown Oconomowoc and is heavily urbanized. The city beach is located adjacent to this property as is a band shell and public boat launch. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. The discharge of firearms and bow is currently prohibited by the City of Oconomowoc on lands under their control. Additionally the City of Oconomowoc has restrictions on the discharge of firearms in their city for public safety purposes.

Given the factors listed above it is my professional opinion that the prohibition of hunting is necessary to protect public safety on this property.

Trapping – The proposed acquisition is .302 acres and is located within the boundaries of the City of Oconomowoc. This property would be an expansion of the existing City Beach Park. The proposed purchase is a narrow strip of land adjacent to Lac La Belle. The area is located in downtown Oconomowoc and is heavily urbanized. The city beach is located adjacent to this property as is a band shell and public boat launch. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. The City of Oconomowoc does have an ordinance prohibiting trapping at this site.

Given the factors listed above it is my professional opinion that the prohibition of trapping is necessary to protect public safety on this property.

Fishing, hiking, and cross-country skiing – Hiking and cross-country skiing are not prohibited on this property. Fishing will be allowed at this site.

Approved Kevin Mickelberg, SER Regional Warden:

*Kevin Mickelberg* 11-18-11

# DNR Staff Analysis of Nature Based Outdoor Activities on Projects Purchased with Stewardship Grant Funds



Rev. April 2011

**NOTE TO DNR STAFF:** This completed form will be attached to the WEPA+NBOA notice that the DNR will publish when considering a request for Stewardship grant funding. Do not list location information for the subject property or the seller's name because WI courts have held that this information is confidential until land ownership has changed hands. In "Staff Narrative" sections below each NBOA, summarize sponsor's reason for prohibition based on the 3 allowable exceptions.

Applicant/ Sponsor: City of Oconomowoc

Year of Application: 2011

**Project Name and Primary Purpose** (after acquisition): Lac La Belle Property Acquisition; lakefront outdoor recreation opportunities.

Project Description: See WEPA Notice

**Plan(s) or Reports Identifying Project Area as Priority:** City of Oconomowoc Comprehensive Land use Plan, 2010 – 2030

## Proposed NBOA – Applicant Narrative and Checklist

### HUNTING

**DNR Staff Narrative:** Property will not be open to hunting.

**Parcel Size, Shape, and Topography:** Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site. The property is only .3 acres and is located in downtown Oconomowoc, surrounded by residential and commercial development. It is also located adjacent to Lac La Belle and is adjacent to the city's beach. The discharge of firearms and bow-and-arrow is also prohibited by city ordinances. Please see the initial assessment of the NBOA prohibition conducted by the local recreation safety warden, pursuant to s. NR 52.05 (1) (a), Wis. Adm. Code.

**Public Safety Factors Considered:** Check all that apply.

- ☒ The sponsor is within its own municipality boundary
- ☒ Parcel is within 100 yards of building devoted to human occupancy
- ☐ Parcel is within 50 feet of the center line of highways & roads
- ☐ Parcel is within 1700 feet of school grounds, hospital, or sanatorium
- ☒ Ordinance exists –
- ☒ Discharge or carrying a weapon ☐ Hunting within park ☒ Throwing or shooting missiles, arrows, spears, etc.
- ☒ Visitor's expectations of safety at the site which include user conflicts that may create public safety issues and impact one or more NBOA's activities.
- ☐ Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- ☒ Parcel is adjacent to a public waterway.
- ☐ Parcel is subjected to a non-sponsor ordinance
- ☐ Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

**Unique Plant and Animal Communities Factors Considered:** Check all that apply.

- ☐ Federal listed endangered species
- ☐ State listed endangered species
- ☐ Federal listed threatened species
- ☐ State listed threatened species
- ☐ Federal listed species of special concern
- ☐ State listed species of special concern

	Allowable species (Gun)	Allowable species (bow)	List Dates/Seasons (opening and closing)
Waterfowl	None	None	N/A
Small Game	None	None	N/A
Turkey	None	None	N/A
Large Game	None	None	N/A

**TRAPPING****DNR Staff Narrative:** The property will not be open to trapping.

**Parcel Size, Shape, and Topography:** Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site. The property is only .3 acres and is located in downtown Oconomowoc, surrounded by residential and commercial development. It is also located adjacent to Lac La Belle, adjacent to the city's beach. Trapping is also prohibited by city ordinance. Please see the initial assessment of the NBOA prohibition conducted by the local recreation safety warden, pursuant to s. NR 52.05 (1) (a), Wis. Adm. Code.

☐ **No Water On Site****Public Safety Factors Considered:** Check all that apply.

- ☒ Size/shape of parcel
- ☒ The sponsor is within its own municipality boundary
- ☒ Parcel is within 100 yards of building devoted to human occupancy and per s. NR 13.(1)(b)(12), the following traps are prohibited: conibear body gripping traps (with jaws wider than 60 sq. inches) and cable restraints.
- ☒ Ordinance exists that prohibits trapping or some type of trapping.
- ☒ Visitor's expectations of safety at the site which include user conflicts that may create public safety issues and impact one or more NBOA's activities.
- ☐ Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- ☒ Parcel is adjacent to a public waterway.
- ☐ Parcel is subjected to a non-sponsor ordinance
- ☐ Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

**Unique Plant and Animal Communities Factors Considered:** Check all that apply.

- |  |  |
|--|--|
| <input type="checkbox"/> Federal listed endangered species         | <input type="checkbox"/> State listed endangered species         |
| <input type="checkbox"/> Federal listed threatened species         | <input type="checkbox"/> State listed threatened species         |
| <input type="checkbox"/> Federal listed species of special concern | <input type="checkbox"/> State listed species of special concern |

Location	Allowable Species	List Dates/Seasons (opening and closing)
Upland	None	N/A
Water	None	N/A

**FISHING****DNR Staff Narrative:** Fishing will be allowed on the property.

**Parcel Size, Shape, and Topography:** Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site.

☐ **No Water on Site**☐ **Public Safety Factors Considered:** Check all that apply.

- ☐ Ordinance exists – ☐ \_\_\_\_\_.
- ☐ Visitor's expectations of safety at the site which include user conflicts that may create public safety issues and impact one or more NBOA's activities.
- ☐ Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- ☐ Parcel is adjacent to a public waterway.
- ☐ Parcel is subjected to a non-sponsor ordinance
- ☐ Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

**Unique Plant and Animal Communities Factors Considered:** Check all that apply.

- |  |  |
|--|--|
| <input type="checkbox"/> Federal listed endangered species         | <input type="checkbox"/> State listed endangered species         |
| <input type="checkbox"/> Federal listed threatened species         | <input type="checkbox"/> State listed threatened species         |
| <input type="checkbox"/> Federal listed species of special concern | <input type="checkbox"/> State listed species of special concern |

Method	Allowable Activities	List Dates/Seasons (opening and closing)
Shore	Per State Regulation	Per State Regulation
Boat	Per State Regulation	Per State Regulation

**HIKING**

**DNR Staff Narrative:** Hiking will be allowed on the property but the size and location of the parcel is not conducive to this activity.

**Parcel Size, Shape, and Topography:** Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site.

**Public Safety Factors Considered:** Check all that apply.

- ☐ Visitor's expectations of safety at the site which include user conflicts that may create public safety issues and impact one or more NBOA's activities.
- ☐ Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- ☐ Parcel is adjacent to a public waterway.
- ☐ Parcel is subjected to a non-sponsor ordinance
- ☐ Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

**Unique Plant and Animal Communities Factors Considered:** Check all that apply.

- ☐ Federal listed endangered species ☐ State listed endangered species
- ☐ Federal listed threatened species ☐ State listed threatened species
- ☐ Federal listed species of special concern ☐ State listed species of special concern

Location	Allowable Activities	List Dates (opening and closing)
On-Trail	No	N/A
Off-Trail	Yes	All year

**CROSS COUNTRY SKIING**

**DNR Staff Narrative:** Cross-country skiing will be allowed on the property but the size and location of the parcel is not conducive to this activity.

**Parcel Size, Shape, and Topography:** Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site.

**Public Safety Factors Considered:** Check all that apply.

- ☐ Visitor's expectations of safety at the site which include user conflicts that may create public safety issues and impact one or more NBOA's activities.
- ☐ Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- ☐ Parcel is adjacent to a public waterway.
- ☐ Parcel is subjected to a non-sponsor ordinance
- ☐ Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

**Unique Plant and Animal Communities Factors Considered:** Check all that apply.

- ☐ Federal listed endangered species ☐ State listed endangered species
- ☐ Federal listed threatened species ☐ State listed threatened species
- ☐ Federal listed species of special concern ☐ State listed species of special concern

Type of Trail	Allowable Activities	List Dates (opening and closing)
Off-Trail (un-groomed)	Yes	Snow season
On-Trail (un-groomed)	No	N/A
On-Trail (groomed)	No	N/A